



ANNO QUADRAGESIMO QUARTO ET QUADRAGESIMO
QUINTO

VICTORIÆ REGINÆ.

A.D. 1881.

No. 234.

An Act to make provision for the Protection of certain open spaces or Ornamental Grounds in any City, or Town, or District within the Province of South Australia.

[Assented to, November 18th, 1881.]

WHEREAS certain open spaces or ornamental grounds have been set apart for, or dedicated to, or vested in, certain Municipal bodies and District Councils in the Province of South Australia for the use of the inhabitants thereof respectively, and it is desirable that Municipal Councils and District Councils should be empowered to lay out, plant, improve, and maintain such lands or ornamental grounds for the purpose of being used as public walk, or pleasure grounds, by contributing out of the Municipal or District Council funds, or out of any special rate to be imposed under the powers herein contained, and it is also desirable to empower such Municipal and District Councils to make, charge, and recover a fee or fees for admission to such grounds—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

Preamble.

1. This Act may be cited for all purposes as “The Ornamental Grounds Act, 1881.”

Short title.

2. In the construction of this Act, except where the subject matter or context, or other provisions hereof, require a different construction,

Interpretation clause.

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construction, the following terms in inverted commas shall have the respective meanings hereinafter assigned to them, that is to say—

“ Council.”

“ Council ” shall mean and include the Mayor and Councillors of any Municipal Corporation, as well as the Chairman and Councillors of any District Council.

“ Open space,”
“ Ornamental
Ground,” “ the
Grounds.”

“ Open space ” or “ ornamental ground ” or “ the grounds ” shall mean and include any open and unenclosed land, as well as any public square or enclosed garden or plantation.

Council to take
charge of ground
and to exercise all
rights.

3. Where, in any city, town, or district in South Australia, any open space or enclosed ground has been dedicated and set apart for the use or enjoyment of the inhabitants thereof, such Municipal Council or District Council (as the case may be) shall thenceforth take charge of and maintain the same as an open place in such manner as shall appear to them the most advantageous to the public, and the said Council shall be fully empowered, for and in the name of their corporate body, to exercise all the rights, powers, and privileges in relation thereto, and take such legal proceedings for asserting, defending, and protecting the same as they might have exercised had such ground been conveyed to them in fee simple by purchase or by grant from the Crown: Provided always that this Act shall not apply to land so dedicated or set apart within any district unless and until a majority of the ratepayers of such district present at a public meeting, or, if a poll be demanded, voting at a poll to be held in manner prescribed by sections numbered two hundred and twenty-four, two hundred and twenty-five, two hundred and twenty-six, two hundred and twenty-seven, two hundred and twenty-eight, and two hundred and twenty-nine of Part ix. of “ The Municipal Corporations Act, 1880,” shall have passed a resolution that it shall so apply.

The Council may
make by-laws.

4. The said Council is hereby empowered to make such by-laws and regulations as are defined in section two hundred and forty-two of “ The Municipal Corporations Act, 1880,” under the heading or side-note “ Park Lands and Reserves,” and may from time to time alter, modify, amend, or repeal such by-laws and regulations as to them may seem meet; and by such by-laws inflict penalties, not exceeding Ten Pounds for each offence, for the better enforcing the said by-laws, or for punishing the breach thereof, or any of them.

The Council may
charge entrance fees.

5. The Council may, in addition to all other powers hereby given, make, charge, and recover such fee or fees for admission to and use of such grounds as may be set apart for, or dedicated to, or vested in such Council, as to them may seem meet, and such fees so recovered shall be paid by the said Council to the credit of a separate fund, to be called “ The Ornamental Grounds Fund,” and shall in the first instance be applied to the payment of all interest upon any expenditure incurred in laying out and planting and the fencing in of such grounds, and after the payment of such interest such fund shall be allowed to accumulate in such manner as shall be

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be most expedient with a view to the maintenance of such grounds, or the purchase of additional land to extend the area of the same, or to acquire other lands within the jurisdiction of such Council, as to them may appear most desirable.

6. The Council shall have the like powers to make, collect, enforce, and recover a rate for the improvement and ornamentation of such grounds as is given to Municipal Councils by section two hundred and one of "The Municipal Corporations Act, 1880," for the improvement and ornamentation of park lands, squares, and reserves of any municipality, provided such rate does not exceed Threepence in the Pound. The Council to make rate.

7. The Council may let any part of the said grounds for a term not exceeding eight days, and may permit or not, as they may deem desirable, the person or persons to whom the part of the grounds in this section named may be so let, to charge an entrance fee during such term to such part of the said grounds. The Council may let portion of the grounds.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WM. F. DRUMMOND JERVOIS, Governor.